

REMARKS

The Examiner's courtesies extended during the personal interview conducted on December 21, 2004 have been greatly appreciated.

Additional claims have been introduced. As discussed at the interview, the recitations of claim 107, i.e., "[a] method of treating a human afflicted with a disease responsive to a taxane, comprising the oral co-administration to the human of paclitaxel and cyclosporin A, wherein said oral co-administration is once per week, and wherein paclitaxel is administered in a divided dose," are supported throughout the specification. Claims 108-112 are dependent from claim 107 and further define the taxane-responsive disease as "cancer" or specific types of cancer. The three sets of Claims 113-135, 136-158 and 159-181 are identical to each other except in further defining the enhancing agent as comprising ketoconazole, verapamil and dipyridamole, respectively. These enhancing agents are disclosed in the specification, including the working examples. Accordingly, Applicants submit that no new matter has been added. Entry of the amendment is respectfully requested.

Claims 97-106 have been rejected under 35 U.S.C. § 112, second paragraph, as incomplete in the recitation "MS-209". Applicants respectfully traverse the rejection. As discussed and agreed to at the interview, at the time the claimed invention was made, the claim recitation at issue had a clear and definite meaning in the art. Applicants pointed out use of the term "MS-209" in items CL1, CM1, CN1 and CO1 cited in Applicants' IDS. The structure of MS-209 appears on page 272 of item CO1. The chemical name appears in U.S. Patent 6,514,686 (copy enclosed). Applicants confirm that the name matches the structure. Applicants submit that these amendments serve to

overcome the rejection of claims 97-106. Withdrawal of the rejection is respectfully

In response to the rejection of claims 1-70 and 84-106 based on obviousness-type double patenting, Applicants are submitting herewith a terminal disclaimer over U.S. Patent 6,610,735.

Applicants point out that claims 71-83 have not been rejected on any ground. Thus, Applicants take the position that these claims are allowable. In any event, in view of the foregoing, Applicants submit that the present amendment serves to overcome the outstanding rejections and places claims 1-181 in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 23, 2004

Respectfully submitted,

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